

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see paragraph 6 of page 10 and paragraph 1 of page 12, filed 2 May 2008, with respect to the rejection of claims 1, 3-5, 13-18, 23-28 and 32 under 35 U.S.C. §103(a) as obvious over Lebel'480 in view of Webb'187 have been fully considered and are persuasive. The §103(a) rejection of claims 1, 3-5, 13-18, 23-28 and 32 has been withdrawn.

### ***Allowable Subject Matter***

2. Claims 1 and 3-41 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The Examiner agrees with the remarks supplied with the amendment of 2 May 2008 inasmuch as the most pertinent prior art of record fails to show a method (as in independent claims 1 and 33) or implantable device with a processor configured to (as in claims 15, 25 and 37) reorder application data received within data packets containing header data, wherein the header data is analyzed to reorder the data contained within the packets after the packets are transmitted and received out of sequence to reconstruct an application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Flory whose telephone number is (571) 272-6820. The examiner can normally be reached on M - F 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher A. Flory  
14 June 2008

**/George Manuel/**  
Primary Examiner